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FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition of the) RM-9260
Community Broadcasters Association)
For Establishment of a "Class A")
Television Service)

To: The Commission

COMMENTS OF ROBERT R. RULE

My name is Robert R. Rule (d/b/a Rule Communications) and I own and operate two low power television (LPTV) stations in Wyoming, KMAH-LP in Cheyenne and KPAH-LP in Laramie. I am filing these comments in support of the Petition for Rule Making filed by Community Broadcasters Association to establish a Class A television service. 1/

Low power television is the only financially feasible option available to bring local television service to Wyoming communities because most are located 50 to 100 miles from the next city of any size (cities with populations of 500 people or more). Because of Wyoming's wide open spaces and sparse population, it just doesn't make financial sense for anyone to set up full-power television stations to service Wyoming's smaller cities . . . most of which have a population of less than 10,000 people. Making matters worse, LPTV has been a very risky business in the past. Due to the secondary nature of LPTV, there was always the potential for a LPTV licensee's entire investment "going up in smoke", after the licensee spent considerable amounts of time, effort and money to construct a local low power television system. Accordingly, the idea of a Class A television service is a good one. A Class A television service will, for the first time, give permanent status to these small, rural, television stations.

^{1/} The Commission requested comments in Public Notice Report No. 82996, released April 21, 1998. May 22, 1998 was established as the deadline for filing comments. Accordingly, these comments are timely filed.

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In order to truly make Class A LPTV stations economically successful, however, the Commission should include a "must carry" provision. Otherwise, local cable television operators who view LPTV stations as competition will do everything in their power not to carry Class A LPTV stations. The Commission should also revise another provision. Under the current proposal, local programs must be produced within the city grade contour of the LPTV station in order to qualify for Class A status. In reality, however, the city of service is often located outside the city grade contour of the LPTV station. If this provision is not revised, owners of such stations will have to go to their mountain-top transmitter sites to produce the programs, in order to qualify for Class A status. This would be burdensome because, frequently, the studios and business offices for many LPTV stations are located outside the city limits of the city being served. This, in part, may be due to "no new antenna" restrictions within the city limits of the city being served. As such, it would be much more convenient if the owners of LPTV stations could produce local programs in their local studios or offices.

Although it may initially sound strange that LPTV stations do not cover their city of service with traditional city grade contour, this is what LPTV is all about... LOW power. When a local LPTV station is all that is available in the way of local television programming, viewers think nothing of putting up outdoor television antennas to receive the LPTV station. It is not uncommon for people 40 miles from the antenna site to be watching a LPTV station, for example. Many viewers most likely already have outdoor antennas set up to receive television translator stations, which are often located on the same mountain top as their LPTV station. Since viewers do not consider receipt of city grade signal in the city of service as a serious problem, I propose the following definition of LPTV stations must produce local programs in order to qualify for Class A status:

"Class A LPTV station must produce local programs within a 75 mile radius of the 'City of Service' specified on the station's license."

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Although a 75 mile radius may sound like a large area to someone living in the East, please keep in mind that 75 miles out here in the West is often the distance to the next small town down the road. I believe that the above language defining, in part, what constitutes a local Class A station would work well since it will exclude national operations broadcasting the same programming from Coast to Coast by using one main studio and feeding what is essentially "translator" stations all over the nation via satellite from qualifying for Class A status, while at the same time insuring that all local LPTV stations who originate local programming are included.

In general, I support the concepts of a Class A television service, as proposed by Community Broadcasters Association.

Respectfully submitted,



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